

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 7. Mediation Questionnaire

Instructions for this form: <https://www.ca9.uscourts.gov/forms/form07instructions.pdf>

9th Cir. Case Number(s)	23-35518 (D.C. No. 1-23-cv-00142-BLW)
Case Name	Planned Parenthood v. Raul R. Labrador, et al.
Counsel submitting this form	Alan Schoenfeld
Represented party/parties	Appellees Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky, Caitlin Gustafson and Darin Weyhrich

Briefly describe the dispute that gave rise to this lawsuit.

Months after Idaho's criminal ban on all abortions, Idaho Code § 18-622 (the "Abortion Ban"), went into effect, Idaho Attorney General Raul Labrador ("Labrador") issued a letter asserting that Idaho law "prohibits an Idaho medical provider from ... referring a woman across state lines to access abortion services" and claimed that Idaho law "requires the suspension of a health care professional's license" for doing so. Labrador's unprecedented interpretation of the Abortion Ban presents a clear threat that Idaho will seek to punish individuals who assist patients in accessing abortions that take place in states where abortion is legal. Plaintiffs, each of whom provide comprehensive reproductive healthcare consistent with state law and their ethical and legal obligations, brought suit on April 5, 2023, seeking declaratory and injunctive relief protecting them from Labrador's unconstitutional and unprecedented application of Idaho law. In doing so, Plaintiffs argued that Labrador's interpretation violates plaintiffs' First Amendment rights and contravenes the Due Process Clause and Dormant Commerce Clause because it amounts to an effective attempt to enforce Idaho's abortion ban outside its borders, in states where abortion remains legal.

Briefly describe the result below and the main issues on appeal.

On July 31, 2023, the Court granted Plaintiffs' motion for a preliminary injunction in part on First Amendment grounds, as it relates to Labrador, and denied it in part, as it relates to the members of the Idaho State Board of Medicine and Board of Nursing, and deferred it in part with respect to the County Prosecuting Attorneys. The Court also denied Defendants' motion to dismiss. Thereafter on August 1, 2023, Defendant Labrador filed this preliminary injunction appeal. The main issue on appeal is the granting of a Preliminary Injunction by the District Court below.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Appellant has filed an appeal of a Preliminary Injunction order. The merits remain to be litigated below. Appellant has also filed a motion to stay proceedings below.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)